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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

UNITED FOOD AND COMMERCIAL
WORKERS

Petitioner,

V.

ACS, LLC

Respondent.

Case No. 07-CV-03871-JF

**NOTICE OF MOTION AND MOTION TO
DISMISS FOR IMPROPER VENUE**

(28 U.S.C. §1406(a); ; FRCP 12(b)(2); FRCP 12(b)(3))

Date: November 1, 2007

Time: 2:00 PM

Courtroom: 3

TO: PLAINTIFFS AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 1, 2007 at 2:00 p.m., or as soon thereafter as the matter may be heard by the Honorable Jeremy Fogel, in the above-entitled court, Respondent ACS, LLC, will move this Court to dismiss the action pursuant to Fed. R. Civ. Pro. 12(b)(6) for failure to state a cause of action and for lack of jurisdiction in this action.

The motion will be based on this Notice of Motion and Motion, the Memorandum of Points and Authorities filed herewith, and the pleadings and papers filed herein.

Dated: September 24, 2007

SAQUI & RAIMONDO

By /s/
Michael C. Saqui
Attorney for Respondent ACS, LLC